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COMMISSION ON HUMAN RIGHTS
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Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 July 1998]

1. The International Federation of Human Rights Leagues (FIDH) is extremely concerned about the persisting situation of flagrant, massive and systematic violations of human rights in Algeria. The spiral of violence has been continuing now for seven years and the Algerian State is not only proving incapable of dealing with the terrorism effectively but also bears responsibility for systematic violations and seems to be presenting violence by the State as its sole response to terrorist violence.

2. FIDH unreservedly condemns the massacres and other crimes attributable to Islamic groups and recognizes the right and duty of the Algerian authorities to prosecute and punish those responsible. The Algerian authorities must make every effort to secure respect for all the international norms concerning the protection of human rights to which their country has subscribed. Yet it has to be pointed out, as did the Human Rights Committee in July 1998, that they are a very long way from meeting that obligation. In July 1998, in connection with the consideration of Algeria's second periodic report to the Committee, FIDH issued an "alternative report" showing there to be a wide gap between the provisions of the International Covenant on Civil and Political Rights and the human rights situation in Algeria, notably insofar as the right to an effective remedy, the state of emergency, the right to life, torture, arbitrary detention, the rights of detainees, the right to a fair trial and the right of peaceful assembly are concerned.

Violations of the right to life

3. Since the beginning of the conflict and the interruption of the electoral process in December 1991, the right most systematically and regularly violated in Algeria is evidently the right to life. These violations are perpetrated by terrorist groups, but also by the Algerian authorities.

4. Several forces are engaged in the anti-terrorist struggle. There are, firstly, various security bodies: police forces under the authority of the General Directorate of National Security, the National Gendarmerie, People's Army and Republican Guard and "military security" units that participate actively in operations against the armed groups. In addition, since 22 September 1993, a decree has established the communal guards to participate in missions for the maintenance or restoration of law and order. Moreover, some civilian "self-defence" groups have also been taking part in this struggle since 1993. Until January 1997, these militias were acting completely outside the parameters of the law. Since then, a law on the self-defence groups (or "patriots") has provided the framework for and in theory organizes their activities. Working from the official figure of 5,000 militia groups and the probably low assumption that there are 20 persons per group, the militias may now be calculated to have 100,000 members, recruited mainly from among the former mujahidin (i.e. former fighters in the war of national liberation), their families and friends, as well as relatives of victims of the terrorism whose desire for revenge or vengeance is very strong. These militias are not content with playing a defensive role: they also participate actively in "clean-up" and other military operations.

5. There are hundreds of first-hand reports that these forces have generally been involved in the execution of persons suspected of belonging to or supporting the armed groups. The development of action by the armed groups and the reinforcement of the regular security forces and militias have affected increasingly broad segments of Algerian society. The civilian population has thus gradually been taken hostage by the various actors in the conflict. To our knowledge, no judicial inquiry has yet been conducted and there have been no court convictions directly related to the massacres.

6. Meanwhile, Algeria still refuses to allow the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country.

7. For its part, the Human Rights Committee, in its concluding observations of 31 July on Algeria, notes the lack of preventive measures for the protection of the population by the police and the army, as well as numerous allegations of collusion of members of the security forces in terrorist attacks. With regard to the self-defence groups, the Committee questioned the legitimacy of such a transfer of power by the State to private groups and emphasized the risk to human life and security entailed by the exercise of that power.

Systematic practice of torture

8. During its last mission to Algeria in May 1997, FIDH - which is no longer allowed to visit Algeria - received confirmation from its various interlocutors, including lawyers acting for detainees, that proven or suspected members of Islamic movements or terrorist groups had been systematically tortured and ill-treated after their arbitrary arrest in secret places of detention or while being held in custody by the police or gendarmerie. These acts of torture, which are also practised against minors, include beatings, floggings, electric shock treatment on all parts of the body including the genitals, suffocation using a rag soaked with water and chemicals, threats of rape or even sodomy by agents of the security forces or with bottles, and cigarette burns.

9. The Human Rights Committee deplores the apparent "routine" acceptance by trial court judges of confessions extracted under duress, even when there is medical evidence of torture.

10. For its part, the Government denies that torture is practised in Algeria and refuses to invite the Special Rapporteur on the question of torture.

Arbitrary arrests and enforced disappearances

11. Although the authorities deny the extensiveness of the phenomenon of disappearances, FIDH estimates that there are now at least 2,000 cases of disappearances attributable to the security forces. The responsibility of these forces can be established in various ways and especially because some family members, neighbours or fellow workers were present when the missing person was abducted and therefore saw the kidnappers. Such responsibility may also be confirmed because, before their disappearance, the persons abducted

often passed through police or gendarmerie stations or communal guard posts and were seen there by witnesses who have since been released. All the security forces, whether regular or not, participate in the arrests. The first-hand accounts gathered often speak of the involvement of the "patriots" and the communal guards.

12. Following its mission to Algeria in 1997, FIDH was able to publish a list of 13 illegal long-term detention centres for Algiers and its environs and 4 such centres in other departments. The accounts received since confirm virtually all of this information, in particular for Algiers, and add other locations to the list.

13. It is always in vain that the families of disappeared persons write to the authorities or go to a lawyer's office, the courts and even the cemeteries in search of their next of kin, some of whom disappeared several years ago.

State control over the justice system

14. Executive decree 05/92 of 24 October 1992, which revised the law on the status of the judiciary of 12 December 1989, limited the independence of judges by changing the composition and powers of the Supreme Council of the Magistrature (CSM). A judge is thus obliged under this decree to accept a promotion, even if it means a transfer. Likewise secondments, which used to depend on the CSM, are now handled solely by the Ministry of Justice. FIDH has just learnt that the Algerian Government has put before the National People's Assembly a new bill on the status of the judiciary which should, once adopted, replace the above-mentioned decree. The National Association of Magistrates has sent the Algerian parliamentarians a very long memorandum outlining their concerns about this bill. If passed in its present form, the bill would confirm the Ministry's control over the judiciary, whose independence has already been seriously undermined by the 1992 decree.

Violations of the freedoms of opinion, expression and association

15. Freedom of the press is heavily compromised by censorship, which is applied in two main ways. First, an interministerial directive addressed to newspaper editors in June 1994 and still in force announced the establishment of the security cell as the only body empowered to issue authorized information relating to security issues. Then, at the last session of the Human Rights Committee, after having continually denied the existence of the reading committees placed at the country's three publishing plants, the Government abruptly announced their dissolution. FIDH has received no proof of this claim.

16. Associations, for their part, regularly find that their activities, although peaceful, are prohibited. For example, the Rassemblement Action Jeunesse (RAJ) association, one of the most dynamic, had more than 20 of its meetings, concerts and other events prohibited in 1994 and 1997. The official notice of a ban usually gives no explanation or legal grounds.

17. FIDH calls on the Sub-Commission to respond immediately to the gravity of the human rights situation in Algeria and:

(a) To condemn most firmly the flagrant, massive and systematic violations of human rights perpetrated in Algeria;

(b) To urge the Government not to meet terrorist violence with violence by the State;

(c) To request the Commission on Human Rights, at its fifty-fifth session, to appoint a Special Rapporteur on the human rights situation in Algeria.

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